



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Set a Public Hearing for June 18, 2003, to consider the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act

MEETING DATE: June 4, 2003

PREPARED BY: J.D. Hightower, City Planner

RECOMMENDED ACTION: Affirm the Planning Commission's certification of the Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act.

BACKGROUND INFORMATION: On September 12, 2002, the Planning Commission directed staff to prepare an Environmental Impact Report for the Vintner's Square Shopping Center. The Final E.I.R. was prepared in the manner prescribed by the California Environmental Quality Act. Upon completion and circulation of both a Draft E.I.R. and Final E.I.R., the Planning Commission certified the E.I.R. at its May 14, 2003 meeting.

FUNDING: None required

Konradt Bartlam
Community Development Director

Prepared by: J.D. Hightower, City Planner

APPROVED:

H. Dixon-Flynn -- City Manager



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: June 18, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, June 18, 2003** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) appeal from Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: June 4, 2003

Approved as to form:

Randall A. Hays
City Attorney

EXHIBIT B

Lowes EIR Appeal

1. 02705003;MEIER, EMMA ;345 E TAYLOR RD ;LODI ;CA;95242
2. 02705010;PARISIS, ANGELOS S ;9949 FERNWOOD AVE ;STOCKTON ;CA;95212
3. 02705011;KABA, MIYOKO ;2332 ROCKINGHAM CIR ;LODI ;CA;95242
4. 02705020;HEDRICK, LAMAR A & JOANN A TR ;209 E HWY 12 ;LODI ;CA;95242
5. 02705021;MEXICAN AMER CATHOLIC FED ;PO BOX 553 ;LODI ;CA;95241
6. 02706003;CULBERTSON, STEVEN S & T E ETA;3008 ROSEWOOD DR ;LODI ;CA;95242
7. 02706005;MCNEIL, DANIEL R & S M ;441 TAYLOR RD ;LODI ;CA;95240
8. 02706009;SANCHEZ, DOMINGO ;517 TAYLOR RD ;LODI ;CA;95240
9. 02706012;REISWIG, KENNETH C ETAL ;246 NORTH LOMA ;LODI ;CA;95240
10. 02706013;ROBERSON, KENNETH A & RITA G ;619 TAYLOR RD ;LODI ;CA;95242
11. 02706015;FINKELSTEIN, JAY & DONNA ;360 RANELAGH RD ;HILLSBOROUGH ;CA;94010
12. 02706027;VANDER HEIDEN, BEN & RENEE D ;681 TAYLOR RD ;LODI ;CA;95242
13. 02706028;SMITH, DANA C & DEANNA L ;211 S AVENA AVE ;LODI ;CA;95242
14. 02706029;ZAPARA, RANDY K & M A ;695 E TAYLOR RD ;LODI ;CA;95240
15. 02706034;SMITH, DANA C & DEANNA L ;211 S AVENA AVE ;LODI ;CA;95240
16. 02706035;WILLIAMS, DAVE A & KATHLEEN R ;1100 INTERLAKEN DR ;LODI ;CA;95242
17. 02706036;WAGNER, LESTER & M ;15472 HILDE LANE ;LODI ;CA;95240
18. 05803001;REICHMUTH, CAROLYN HINES ;1358 MIDVALE RD ;LODI ;CA;95240
19. 02704010;KIRIU, TOM & TERRY TRS ;1212 S LOWER SAC RD ;LODI ;CA;95242
20. 02705023;GEWEKE FAMILY PTP ;PO BOX 1210 ;LODI ;CA;95241
21. 02704011;VLAVIANOS, ROBERT ;1224 S LOWER SAC RD ;LODI ;CA;95242
22. 02704087;BROOKHURST SHOPPING CENTER LLC;1371 OAKLAND BLVD SUITE 200
;WALNUT CREEK ;CA;94596
23. 02704089;OREGON FOOD STORES INC ;1801 OAKLAND BLVD SUITE 210 ;WALNUT CREEK
;CA;94596
24. 02704090;GILL LODI LLC ;GLENFIELD, LEICESTER LE35NG ;UNITED KINGDOM ;
;00000
25. 02733003;TRACY, JEFFREY L & TAMRA ;2426 BRITTANY CT ;LODI ;CA;95242
26. 02733004;MATHEWS, RICHARD E & DORENE ;2432 BRITTANY CT ;LODI ;CA;95242
27. 02733005;SCHMIERER, MICHAEL H ;2438 BRITTANY CT ;LODI ;CA;95242
28. 05814001;TESORO REFINING & MARKETING CO;PO BOX 16290 ;HOUSTON ;TX;77222
29. 05803002;LODI SOUTHWEST ASSOCIATES LP ;301 S HAM LN SUITE A ;LODI
;CA;95242
30. 05814042;CHRISTIAN J KNOX & ASSOC INC ;633 E VICTOR RD SUITE E ;LODI
;CA;95240
31. 05814044;FIRST LODI PLAZA ASSOCIATES ;100 SWAN WAY SUITE 206 ;OAKLAND
;CA;94621
32. Ann Cerney
33. Remy Thomas, Moose and Manley, LLP
34. JIM MANION, LOWE'S, 1530 FARADAY AVENUE, SUITE 125, CALSBAD, CA. 92008



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: TO SET PUBLIC HEARING FOR JUNE 18, 2003 TO CONSIDER THE APPEAL OF ANN M. CERNEY AND CITIZENS FOR OPEN GOVERNMENT REGARDING THE PLANNING COMMISSION'S APPROVAL OF THE REQUEST OF JIM MANION, ON BEHALF OF LOWE'S, TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VINTNER'S SQUARE SHOPPING CENTER PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

LEGAL AD

PUBLISH DATE: SATURDAY JUNE 7, 2003

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO:

SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, JUNE 5, 2003

ORDERED BY:


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 10:34 am (time) on 6/5/03 (date) 2 (pages)
DKA Phoned to confirm receipt of all pages at 11:40 (time) Jac 26 Tricia Jen (initials)



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER THE APPEAL OF ANN M. CERNEY AND CITIZENS FOR OPEN GOVERNEMENT REGARDING THE PLANNING COMMISSION'S APPROVAL OF THE REQUEST OF JIM MANION, ON BEHALF OF LOWE'S, TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VINTER'S SQUARE SHOPPING CENTER PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

On June 5, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider the appeal of Ann M. Cerney and Citizens of Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2003, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK



DECLARATION OF POSTING

**PUBLIC HEARING TO CONSIDER THE APPEAL OF ANN M. CERNEY AND
CITIZENS FOR OPEN GOVERNMENT REGARDING THE PLANNING
COMMISSION'S APPROVAL OF THE REQUEST OF JIM MANION, ON BEHALF OF
LOWE'S, TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
VINTNER'S SQUARE SHOPPING CENTER PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

On Thursday, June 5, 2003, in the City of Lodi, San Joaquin County, California, a copy of the notice to set public hearing for June 18, 2003, to consider the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2003, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

A handwritten signature in cursive script, appearing to read "Patricia Ochoa", is written over a horizontal line.

Patricia Ochoa
Administrative Clerk

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk



DECLARATION OF MAILING
LETTER TO APPELLANT

PUBLIC HEARING TO CONSIDER THE APPEAL OF ANN M. CERNEY AND CITIZENS FOR
OPEN GOVERNMENT REGARDING THE PLANNING COMMISSION'S APPROVAL OF THE
REQUEST OF JIM MANION, ON BEHALF OF LOWE'S TO CERTIFY A FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE VINTNER'S SQUARE SHOPPING CENTER
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

On June 5, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2003, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK